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BFP
5/20/09

ORDINANCE NO. 3740

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING A NEW ECC 19.80.023 TO AUTHORIZE THE HEARING EXAMINER TO DECIDE BUILDING CODE APPEALS WHENEVER THE BOARD OF APPEALS IS UNABLE TO CONVENE; REPEALING DUPLICATE AND CONFLICTING PROVISIONS RELATING TO THE BOARD OF APPEALS IN CHAPTER 10.15 ECC; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, appeals before the Board of Appeals ("Board") are very rare; and

WHEREAS, there have been occasions when appeals have been brought before the Board, but the Board was unable to convene due to lack of membership; and

WHEREAS, RCW 35A.63.170 authorizes the City Council to vest in the hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by the hearing examiner; and

WHEREAS, the City Council finds that the hearing examiner should hear and decide appeals relating to the building code whenever the Board is unable to convene; and

WHEREAS, both Chapters 10.15 ECC and 19.80 ECDC relate to the creation, membership and authority of the Board; and

WHEREAS, provisions of Chapters 10.15 ECC and 19.80 ECDC are either in conflict or duplicative; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOW:

Section 1. Adopted. A new ECDC 19.80.023 entitled Alternate to Board of Appeals is hereby adopted to read as follows:

19.80.023 Alternate to Board of Appeals.

Whenever it appears to the building official that an appeal covered under this Chapter may be unreasonably delayed because the Board of Appeals is unable to convene to hear and decide the appeal in a timely manner, the appeal shall be brought instead before the hearing examiner, who shall have the same power and duties to hear and decide the appeal as the Board of Appeals under this Chapter. All aspects and requirements for the appeal shall remain unchanged. The building official's decision and reasons to shift the appeal from the Board of Appeals to the hearing examiner shall be provided timely to appellant and all interested parties in writing.

Section 2. Adopted. A new ECC 10.15.000 entitled Board of Appeals - Regulations is hereby adopted to read as follows:

10.15.000 Board of Appeals - Regulations.

Regulations relating to the Board of Appeals shall be as set forth in Chapter 19.80 ECDC.

Section 3. Repealed. The following sections of Chapter 10.15 ECC are hereby repealed: ECC 10.15.010 (Purpose), ECC 10.15.020 (Membership), ECC 10.15.030 (Removal), ECC 10.15.040 (Limitations of authority), ECC 10.15.050 (Tests), and ECC 10.15.060 (Landslide hazard and earth subsidence areas).

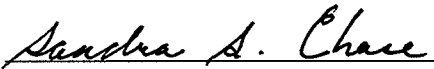
Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. This ordinance is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:


MAYOR GARY HAAKENSEN

ATTEST/AUTHENTICATED:


CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

FILED WITH THE CITY CLERK:	06/12/2009
PASSED BY THE CITY COUNCIL:	06/16/2009
PUBLISHED:	06/22/2009
EFFECTIVE DATE:	06/27/2009
ORDINANCE NO. <u>3740</u>	

SUMMARY OF ORDINANCE NO. 3740


of the City of Edmonds, Washington

On the 16th day of June, 2009, the City Council of the City of Edmonds, passed Ordinance No. 3740. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING A NEW ECC 19.80.023 TO AUTHORIZE THE HEARING EXAMINER TO DECIDE BUILDING CODE APPEALS WHENEVER THE BOARD OF APPEALS IS UNABLE TO CONVENE; REPEALING DUPLICATE AND CONFLICTING PROVISIONS RELATING TO THE BOARD OF APPEALS IN CHAPTER 10.15 ECC; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 17th day of June 2009.


CITY CLERK, SANDRA S. CHASE

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.



SUMMARY OF ORDINANCE NO. 3740 of the City of Edmonds, Washington

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The full text of this Ordinance will be mailed upon request.
DATED this 17th day of June 2009.

CITY CLERK, SANDRA S. CHASE

Published: June 22, 2009.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance NO. 3740

Adopting a New ECC 19.80.023

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

June 22, 2009

and that said newspaper was regularly distributed to its subscribers during all of said period.

Jody Sholl

Principal Clerk

Subscribed and sworn to before me this

22nd

day of

June, 2009

[Signature]

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

RECEIVED

JUN 29 2009

EDMONDS CITY CLERK

Account Name: City of Edmonds

Account Number: 101416

Order Number: 0001654602

